

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America

v.

Andrew Tre Bettelyoun,
year of birth 1995

Case No.

OCT 22 2018

18-MJ-3427

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 2-3, 2018 in the county of Rio Arriba in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 18 § 1153

Offenses committed within Indian country

Title 18 § 1111

Murder

Title 18 § 1117

Conspiracy to murder

Title 18 § 1201

Kidnapping

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Lance Roundy, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: October 22, 2018City and state: Farmington, NM

Judge's signature

B. Paul Briones, US Magistrate

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Lance Roundy, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of a Criminal Complaint and an Arrest Warrant for Andrew Tre BETTELYOUN, (referred to herein as "BETTELYOUN"), year of birth 1995.

2. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been employed as such since September 2008. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have primary investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as murder, robbery, arson, aggravated assault, and sexual assault. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 §§ 1111, 1117, 1201, and 1153 – murder, conspiracy to murder, and kidnapping within Indian country, were committed by BETTELYOUN.

5. Because this affidavit is submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

PROBABLE CAUSE

6. On February 14, 2018, the Albuquerque Division, Farmington Resident Agency of the FBI was notified by the Jicarilla Apache Police Department of the discovery of a deceased body inside the residence of 66 Navajo Street in Dulce, New Mexico, on the Jicarilla Apache Indian Reservation. It was reported to the FBI that the body was found naked inside of a closet with significant injuries and the hands and feet were bound. Officers also reported a substance resembling blood inside the residence. The occupant and reported owner of the residence, identified as Allister Danzig Quintana, referred to herein as "Quintana," was reported as being arrested on or about February 8, 2018 by the Jicarilla Apache Police Department on separate tribal charges and was incarcerated at the time of the discovery of the body. The body was later identified by the Office of the Medical Investigator in Albuquerque to be that of an individual with the initials of T.H. and a year of birth of 1989, hereinafter referred to as "John Doe."

7. The FBI's Evidence Response Team (ERT) responded to the Quintana residence on the evening of February 14, 2018. A Federal Search warrant was obtained authorizing the search of the Quintana residence. Upon execution of the warrant there were numerous areas within the residence that appeared to be damaged. There were also several areas throughout the residence that had dried reddish-brown stains that appeared to be dried blood. The naked body of deceased John Doe was found in the hallway closet with his hands and feet bound with cordage. A back

bedroom in the residence was found to be clear of furniture and carpet and appeared to be in the process of being re-modeled. In the middle of the back room was a wooden stool with a significant amount of what appeared to be dried blood splattered on the floor and wall surrounding the stool. Near the door and on the floor of the back room was a large trail of what appeared to be dried blood that was smeared which led to the hallway near the closet where John Doe's body was discovered. Two items that appeared to be broken broom sticks were located inside the back bedroom. The end of each of these items was wrapped in black material and silver duct tape and appeared to have dried blood on them. During the course of the search of Quintana's residence a strong smell of decomposition was noted. It was also observed that the thermostat in the residence was high making the temperature in the residence warm.

8. An autopsy was conducted by the Office of the Medical Investigator on February 15, 2018 in Albuquerque, New Mexico. The autopsy resulted in the ruling that the death of John Doe was homicide.

9. On February 14, 2018, a Native American male with the initials of B.C. and a year of birth of 1995, was interviewed by law enforcement regarding the discovery of John Doe's body. B.C. stated that he was associated with Quintana and was denied entry into Quintana's residence on or about February 3-5, 2018 by Quintana, which B.C. described as abnormal behavior. B.C. also stated that he had an in-person conversation with Quintana on or about February 13, 2018 while Quintana was incarcerated at the Dulce Detention Center in which Quintana stated that he did something wrong and needed to clean up his house. Quintana said that once he bonded out of jail, he was going to clean up the mess at his house and leave the Jicarilla Apache Indian Reservation.

10. On February 23, 2018, a Native American female with the initials A.C. and a year of birth of 1989, was interviewed by law enforcement regarding the murder of John Doe. During the interview, A.C. stated that she was the former girlfriend of John Doe, and that she and John Doe had a child together. A.C. reported that John Doe was given Quintana's bank card by Quintana and was supposed to withdraw money for Quintana to bond out of jail in late January 2018; however, John Doe failed to do so. On or about February 2, 2018, A.C. and John Doe spent the morning in Pagosa Springs, Colorado with their child. A.C. then dropped off John Doe in Dulce, New Mexico with a friend, and subsequently met with BETTELYOUN, Quintana and Sharol Cachucha. A.C. and the three individuals then traveled to Pagosa Springs so that Quintana could withdraw money from his bank account and post bond for another friend who was incarcerated in Dulce. A.C. stated that Quintana was unable to withdraw the money, and subsequently contacted B.C. and requested that B.C. drive to Pagosa Springs to give them a ride back to Dulce. B.C. and B.C.'s girlfriend drove to Pagosa Springs, picked up BETTELYOUN and Quintana and then drove back to Dulce in the evening hours while A.C. and Cachucha remained in Pagosa Springs for the night returning to Dulce the following morning.

11. A.C. stated that in the evening hours of February 2, 2018, at approximately 11:00pm, while she was in Pagosa Springs, she conducted a video chat with John Doe. At approximately 11:26pm, John Doe attempted to conduct another video chat with A.C., but was unable to do so. A.C. then attempted to communicate with John Doe after 11:26pm on numerous occasions over the next few days, but without success. That was the last time A.C. had contact with John Doe.

12. A.C. provided screenshots of Instagram posts made by the account titled “danzigcrowley” to another individual and further said that she was provided with the information that the Instagram account “danzigcrowley” belonged to Quintana. The posts were as follows:

danzigcrowley: “Every thing happened”

other post: “What do you mean by that?”

danzigcrowley: “Like ppl drinking n arguing n dumb shit”

other post: “Are you drunk?”

danzigcrowley: “I wish I’m kicking some ass”

other post: “Why?”

danzigcrowley: “Cuz thought I had family but now I know I’m by myself...N lost u n mad at the world n tryan Change just been through a lot”

other post: “Just calm down please..sigh, your not fully alone....Have fun an be safe I can’t talk at the moment now....”

danzigcrowley: “But y?? N same here about to kill someone”

other post: “Why? An I hate myself n”

danzigcrowley: “Have to do some bat man shit”

other post: “To who?”

danzigcrowley: “Don’t worry about it be shit all over the house nigga scard”

The Instagram messaging had a time and date stamp of February 3 at 12:02am.

13. On February 27, 2018, a Native American female with the initials J.V. and a year of birth of 1996, was interviewed by law enforcement. During the interview, J.V. said that she was a close associate of Quintana. J.V. was shown the screenshots of the Instagram posts provided by A.C. J.V. stated that “danzigcrowley” was the Instagram account used by Quintana, and that she was the “other posts” responding to Quintana on or about the night of February 2 or the early morning hours of February 3, 2018. J.V. stated that she was certain the individual posting was Quintana, as she knew Quintana not to allow other individuals to use or have access his account. J.V. said that she believed Quintana to be drunk based on the verbiage of the messages, and her previous encounters messaging with him.

14. On February 27, 2018, a Native American female with the initials H.H. and a year of birth of 1991, was interviewed by law enforcement. During the interview, H.H. stated that John Doe and Quintana fought in the past, and that the fights were the result of John Doe having a sexual relationship with Quintana’s biological mother. H.H. said that she knew Quintana to be violent, more so when he was intoxicated or on drugs.

15. On April 16, 2018 a male with the initials of J.M. and with a year of birth of 1990 was interviewed by law enforcement. J.M. advised that on or about February 12, 2018, Quintana and J.M. were incarcerated at the Jicarilla Apache Detention Center in Dulce, New Mexico. Quintana approached J.M. and had a conversation with him. During the conversation, Quintana told him that he and BETTELYOUN tortured and killed someone and bound the body in a closet. Quintana acted nervous while talking with J.M. and said that he was concerned because he left the heat on in the house which Quintana believed would cause the body to decompose quicker.

16. On April 23, 2018 a Federal Search Warrant authorizing the search of the Instagram account “danzigcrowley” was obtained. The search warrant was served on Facebook L.L.C. (the

parent company of Instagram) and the records were returned on May 22, 2018. Subscriber information received with the business records showed a verified telephone number of (505) 470-4487. Investigation revealed that the telephone (505) 470-4487 is the number that was utilized by Quintana. Through the course of the investigation, associates of Quintana's identified "danzigcrowley" as being the Instagram account used by Quintana. A review of the search warrant return revealed numerous communications between danzigcrowley and other Instagram users. One of the communications in the records return provided details of and confirmed the communication exchange captioned in paragraph 12 of this affidavit.

17. A review of the records received from the Instagram search warrant revealed a communication between danzigcrowley and Instagram user dakidoncloud 9 that began at 10:31 a.m. on February 03, 2018.

Danzigcrowley- "bro"

Dakidoncloud9- "whats up mane"

Danzigcrowley- "I was about to kill someone last night"

Dakidoncloud9- "What the fuck who my nigga"

Danzigcrowley- "My brother haha"

Dakidoncloud9- "Which one ?"

Danzigcrowley- "Travis shit was crazy"

18. On April 26, 2018, a Native American male with the initials of M.M. and a year of birth of 1995 was interviewed by law enforcement. M.M. reported that he had been incarcerated with Quintana during the approximate second week of February 2018. M.M. reported that he had three separate conversations with Quintana during his time in jail. During the first conversation, Quintana approached M.M. and said that he was planning on moving to Santa Fe to attend school

once he was released from jail and needed someone to look after his house. Quintana asked M.M. if he would help him clean up his house. During the second conversation Quintana told M.M. that he was in “deep shit” and that only certain people knew about it. During the third conversation Quintana asked M.M. to help clean something up from his house when they were both released from jail. Quintana made the comment that he needed to get something out of his house before it started to stink and that if he did not get it out before it began to stink it would then result in a manslaughter charge.

19. On May 24, 2018, Quintana was arrested by FBI Agents in Dulce, New Mexico based on a court authorized arrest warrant and criminal complaint supporting probable cause that Quintana was involved in the killing of John Doe.

20. BETTELYOUN was interviewed on multiple occasions by law enforcement throughout the investigation and initially denied having any involvement in the killing of John Doe. On July 12, 2018, BETTELYOUN was interviewed again by law enforcement and admitted to drinking alcohol with Quintana and John Doe one evening during the first part of February 2018. BETTELYOUN stated that on the particular evening he passed out and woke up a short time later to Quintana arguing with and punching John Doe. Quintana requested help from BETTELYOUN, who admitted to participating in the assault by punching John Doe in the face approximately four times. BETTELYOUN then witnessed Quintana continually beating John Doe with a large metal flashlight, eventually demanding John Doe remove his clothes and put the flashlight inside his (John Doe) rectum, to which John Doe complied. BETTELYOUN stated that he heard John Doe beg Quintana not to kill him on several occasions during the assault. BETTELYOUN then observed Quintana acquire a machete and assault John Doe, cutting his back. BETTELYOUN admitted to acquiring electrical cord from a nearby room and assisting Quintana in binding John

Doe's hands and feet. BETTELYOUN and Quintana then moved John Doe to another room and subsequently to the hall closet where he was left naked and bleeding. BETTELYOUN said that he left the residence a short time after putting John Doe in the closet and returned a few days later. Upon return, BETTELYOUN noted a foul odor coming from the hall closet and realized that the smell was more likely than not attributable to John Doe.

21. On July 2, 2018, a court authorized search of Quintana's residence located at 66 Navajo Street in Dulce was executed by the FBI. During the search, Agents located and seized a machete with a dried red substance, a sword with a dried red substance, and a black metal flashlight among other things, in the residence.

JURISDICTIONAL STATEMENT

22. The offenses detailed in this affidavit were committed within the exterior boundaries of the Jicarilla Apache Indian Reservation.

23. BETTELYOUN is an enrolled member of the Jicarilla Apache Tribe.

CONCLUSION

24. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of United States Code Title 18 §§ 1111, 1117, 1201, and 1153 – murder, conspiracy to murder, and kidnapping within Indian country, were committed by BETTELYOUN.

25. Assistant United States Attorney Joseph Spindle reviewed and approved this affidavit, Criminal Complaint and the subsequent arrest of BETTELYOUN.

A handwritten signature in black ink, appearing to be 'LR', written over a horizontal line.

Lance Roundy

Special Agent

Federal Bureau of Investigation

Subscribed and sworn before me this 22 day of October 2018

A handwritten signature in black ink, appearing to be 'B. Paul Rivera', written over a horizontal line.

United States Magistrate Judge